

ATTACHMENT 2, TIM FROST, JANUARY 19, 2023

24.25.01 – RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Section 54-5403. ()

001. SCOPE.

These rules govern the Idaho Driving Businesses Act. ()

002. — CHANGES IN LICENSEE INFORMATION.

~~01. — Information Update.~~ Each licensee must keep the Division current on the information that the licensee has placed on record with the Division. If a change occurs to the information that a licensee provided to the Division under Rules 150, 225, or 250, the licensee must notify the Division in writing of the change within twenty (20) calendar days after the change occurs. The licensee must provide the Division, upon request, with appropriate documentation reflecting the change. ()

Commented [NK1]: Duplicative of Division statute, Idaho Code § 67-2614 (5)(a).

003. — 174. — (RESERVED)

~~175. — FEES.~~

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$25
Original Instructor License and Annual Renewal	\$25
Instructor Apprentice Permit	\$25
Original Business License and Annual Renewal	\$125
Reinstatement	As provided in Section 67-2614, Idaho Code

Commented [NK2]: Move to end of chapter.

176. -- 199. — (RESERVED)

200. — RENEWAL OF LICENSE.

~~01. — Application for Renewal.~~ In order to renew a license, a licensee must annually submit a timely, completed, Board approved renewal application form and pay the required renewal fees. All renewals are subject to audit. When applying for renewal, the licensee must remain in compliance with all laws and rules required for licensure. ()

~~02. — Reinstatement.~~ Any license canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, and subject to Subsection 201.01.c., below. ()

105201. CONTINUING EDUCATION.

01. Continuing Education (CE) Requirement. Each Idaho licensed driving instructor must annually complete a minimum of eight (8) hours of continuing education every two years. ()

~~a. The licensee must certify on the licensee's renewal application that the licensee has complied with the annual CE requirements for the preceding twenty-four (24) months. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with the CE requirements.~~ ()

~~ba. A licensee is considered to have satisfied the CE requirements for the first renewal of the initial license.~~ ()

~~cb. Prior to reinstatement of a license lapsed, canceled, or otherwise non-renewed for less than five (5) years, the applicant must provide proof of attendance of eight (8) hours of continuing education for the previous twelve (12) months.~~ ()

~~02. Hours. Credit for continuing education hours will only be given for actual time in attendance or for the time spent participating in the educational activity. One (1) hour of continuing education is equal to sixty (60) minutes. Courses taken by correspondence or on-line may be approved for continuing education if the courses require an exam or other proof of successful completion. Only four (4) hours of the required continuing education may be from correspondence, on-line, or self-study in each renewal period. The remaining hours must be in an interactive setting that allows participants to communicate directly with the instructor. Each licensee must maintain proof of attendance or successful completion documentation of all continuing education courses for a period of three (3) years.~~ ()

~~023. Providers/Sponsors/Subjects of Continuing Education. The continuing education must be provided by a nationally or regionally accredited college or university, a national or state driver education and traffic safety association such as the Idaho Association of Professional Driving Businesses, Driving School Association of the Americas, the American Driver Traffic Safety Education Association, and the American Automobile Association, transportation and law enforcement agencies, or other person or entity approved by the Board and must be germane to driver education. Courses taken on-line may be approved for continuing education if the courses require an exam or other proof of successful completion.~~ ()

~~04. Verification of Attendance. Each licensee must maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee.~~ ()

~~045. Special Exemption. The Board has authority to make exceptions for reasons of individual hardship or other good cause. Each licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board.~~ ()

~~06. Carryover of Continuing Education Hours. Continuing education hours not claimed in the current renewal year may be claimed in the next renewal year. A maximum of eight (8) hours may be carried forward from the immediately preceding year, and may not be carried forward more than one (1) renewal year.~~ ()

~~202 -- 224. (RESERVED)~~

100225. DRIVING BUSINESS LICENSE.

~~A driving business license enables a licensee to operate a driver education business at one (1), principal classroom location as designated in the application. The licensee may also utilize secondary locations for classroom instruction, so long as the business does not conduct driver education at any given secondary location for more than sixty (60) days in a one-year period. A driving business license is not transferable. The business licensee must conspicuously display the license at the business's principal classroom location.~~ ()

~~01. Ownership Applicant Identity. The applicant must provide such identifying information as may be requested by the Board on a form approved by the Board. The owner referenced in Idaho Code § 54-5505 (1) including includes the names and addresses of the applicant's officers and shareholders having a twenty-five percent (25%) or greater ownership interest (if a corporation), members and managers (if a limited liability company), and partners (if a partnership).~~ ()

Commented [NK3]: Ask Board about need for secondary location requirement.

02. Criminal History Background Check. The applicant and all persons listed under Subsection 225.01 must submit to a current, fingerprint-based criminal history check conducted by an organization approved by the Board. ~~Each applicant must ensure that such persons submit a full set of their fingerprints, and any relevant fees, to the Division which will forward the fingerprints and fees to the organization that conducts the fingerprint-based criminal history background check. The application will not be processed until the Division has received the completed fingerprint-based criminal history background checks.~~ ()

03. Classroom Locations and Certificates of Occupancy. Each applicant must list all principal and secondary classroom locations to be utilized by the business. The applicant must provide a certificate of occupancy issued ~~for each location, to the building/room by the local fire marshal or the fire marshal's designated agent, for each classroom location other than a location in a public or private school building, government building, church, or synagogue.~~ ()

04. Certificate of Vehicle Insurance. The certificate of commercial automobile insurance for each vehicle utilized by the driving business for driver education must accompany the application. The minimum coverage will include: ()

a. Medical Payment for each person - five thousand dollars (\$5,000); and either ()

b. Limit of liability (Combined single limit) - five hundred thousand (\$500,000) to apply to bodily injury and/or property damage; or ()

c. Limit of liability (Split limit). Bodily injury - two hundred-fifty thousand (\$250,000) per person/ five hundred thousand (\$500,000) each accident; Property damage - two hundred-fifty thousand (\$250,000) each accident. ()

05. Licensed Instructors. Before beginning to offer driver education, and at all times while offering driver education, a driving business must employ or have contracted with one (1) or more licensed driving instructors to teach the classroom instruction phase and behind-the-wheel training phase of the driver education to be provided by the business. ~~A driving business must submit to the Division a current list of such licensed instructors with applications for original licensure, renewal, and reinstatement. The list must be kept at its primary place of business and retained for five (5) years.~~ ()

06. Vehicles. An applicant for a driving business license must submit to the Division a list of the vehicles that the business will utilize when offering driver education. A business licensee may not utilize vehicles that do not appear on the list. Each vehicle must have dual control brake pedals, safety restraints for all passengers, a side view mirror on each side of the vehicle, and an additional rear ~~view~~ mirror or compatible viewing device for the exclusive use of the instructor. A driving business must ensure that students are not allowed in a listed vehicle unless the vehicle is in a safe and proper operating condition. ()

a. Initial Inspection. An applicant may not include a vehicle on a business's vehicle list unless the vehicle has passed a vehicle inspection performed by an ASE mechanic or vehicle technician within the two (2) month period preceding the application. The inspection must be documented on a Board-approved inspection form. The person who inspected the vehicle must sign the form, certifying that the vehicle generally is in a safe and proper operating condition, and that each inspected item passed inspection or, if found to be in need of repair, was repaired on a given date. The application must be accompanied by a separate, signed form for each listed vehicle. ()

b. Annual Inspection. A business licensee must ensure that each vehicle passes an inspection every twelve (12) months, and that the inspection is performed by an ASE mechanic or vehicle technician documented on the Board-approved form referenced in Paragraph 225.06.a. of these rules. If a vehicle fails an annual inspection, the business licensee must withdraw the vehicle from service. The business licensee may not use the vehicle for behind-the-wheel training until the vehicle passes a subsequent inspection and the business licensee has submitted to the Division the inspection form evidencing that the vehicle has passed. ()

Commented [NK4]: Why is a list needed?

c. Incident Inspection. If a vehicle incident occurs that requires an investigation and report by law enforcement, or in which the damage exceeds one thousand five hundred dollars (\$1,500), the business licensee must withdraw the vehicle from service. The business licensee may not use the vehicle for behind-the-wheel training until the vehicle passes inspection by an ASE mechanic or vehicle technician and the business licensee has submitted to the Division the inspection form evidencing that the vehicle has passed. ()

d. Signage. The business licensee must ensure that the outside of each vehicle is equipped with safely secured signs. Signs must include "Student Driver," "Driver Education," "Driver Training," "Driving School," or similar language that clearly designates the vehicle as a driver training vehicle. ()

07. **Course of Instruction.** Each applicant must provide the course of instruction it will use when instructing students. The applicant must demonstrate, to the Board's satisfaction, that the course of instruction is designed to produce safe and effective drivers and is educationally sound. ~~The course of instruction must be based on the minimum curriculum components outlined in Rule 226, and consists of:~~ ()

~~a. Not less than thirty (30) hours of classroom instruction; and~~ ()

~~b. Not less than six (6) hours of behind the wheel practice driving; and~~ ()

~~c. Not less than six (6) hours of student, in-vehicle observation of other persons (e.g., parents, other student drivers, etc.) driving the vehicle.~~ ()

08. **On-line Instruction.** In addition to, or in lieu of offering classroom instruction at a physical classroom location, a business licensee may offer classroom instruction to students via the internet. While a business licensee may utilize a third party to offer on-line classroom instruction, the business licensee is responsible for ensuring that the instruction content meets the requirements of these rules and is approved by the Board. ()

101226. DRIVING BUSINESS -- MINIMUM CURRICULUM COMPONENTS.

~~The curriculum used by a driving business shall conform to the minimum standards as approved by the Board on an annual basis. The minimum standards can be found on the Board's website and on the driving business application form. In order to assure consistency among driving businesses, it is necessary that every business licensee ensure that its driver education curriculum include the following minimum curriculum components:~~ ()

~~01. Component One for Classroom.~~ ()

~~a. Conducting a parent/student orientation and course overview.~~ ()

~~02. Component Two for Classroom.~~ ()

~~a. Identifying vehicle gauges, alert, and warning symbols.~~ ()

~~b. Preparing to drive.~~ ()

~~c. Protecting occupants.~~ ()

~~03. Component Three for Classroom.~~ ()

~~a. Identifying road signs and signals.~~ ()

~~b. Identifying lane markings.~~ ()

~~04. Component Four for Classroom.~~ ()

~~a. Understanding basic traffic laws, including right-of-way rules.~~ ()

~~05. Component Five for Classroom.~~ ()

- _____ a. Using good habits for reduced-risk driving. _____ ()
- _____ b. Using time and space management systems and strategies. _____ ()
- _____ **06. Component Six for Classroom.** _____ ()
- _____ a. Explaining the effect of gravity and energy of motion on a vehicle. _____ ()
- _____ b. Understanding procedures to maintain vehicle balance and traction. _____ ()
- _____ c. Identify strategies to negotiate hills and curves. _____ ()
- _____ **07. Component Seven for Classroom.** _____ ()
- _____ a. Identifying strategies to use when driving in rural and urban environments. _____ ()
- _____ b. Identifying strategies to use when driving on freeways. _____ ()
- _____ **08. Component Eight for Classroom.** _____ ()
- _____ a. Identifying strategies to use when driving in bad weather. _____ ()
- _____ b. Identifying strategies to use when encountering roadside emergencies. _____ ()
- _____ **09. Component Nine for Classroom.** _____ ()
- _____ a. Understanding ways to cooperate with other roadway users, including bicyclists. _____ ()
- _____ b. Identifying responsibilities after a collision. _____ ()
- _____ c. Identifying the procedure for obtaining a driver's license. _____ ()
- _____ d. Identifying and avoiding common driver distractions. _____ ()
- _____ e. Identifying ways to prevent drowsiness while driving. _____ ()
- _____ f. Resisting aggressive driving behaviors. _____ ()
- _____ **10. Component Ten for Classroom.** _____ ()
- _____ a. Explaining the effects of alcohol on the body. _____ ()
- _____ b. Explaining the effects of alcohol on the driving task. _____ ()
- _____ c. Correlating drinking and driving with vehicle crashes. _____ ()
- _____ d. Identifying Idaho laws related to drinking and driving. _____ ()
- _____ e. Explaining the dangers of alcohol and other drug use. _____ ()
- _____ **11. Component Eleven for In-Car.** _____ ()
- _____ a. Performing pre-drive procedure. _____ ()
- _____ b. Identifying vehicle controls. _____ ()

- _____ c. Starting the vehicle. _____ ()
- _____ d. Backing the vehicle. _____ ()
- _____ e. Demonstrating approved steering technique. _____ ()
- _____ f. Smoothly stopping the vehicle. _____ ()
- _____ g. Demonstrating proper signaling and turning technique. _____ ()
- _____ h. Recognizing relevant signs and markings. _____ ()
- _____ i. Distinguishing between four-way and two-way stops. _____ ()
- _____ 12. Component Twelve for In-Car. _____ ()
- _____ a. Negotiating controlled and uncontrolled intersections. _____ ()
- _____ b. Negotiating hills and curves. _____ ()
- _____ c. Angle parking in a parking lot. _____ ()
- _____ d. Driving in rural environment. _____ ()
- _____ e. Making lane changes. _____ ()
- _____ 13. Component Thirteen for In-Car. _____ ()
- _____ a. Driving in an urban environment (with one-way and two-way streets, if available). _____ ()
- _____ b. Dealing with signal lights, pedestrians, and city traffic. _____ ()
- _____ c. Performing a perpendicular park. _____ ()
- _____ d. Merging onto the freeway. _____ ()
- _____ e. Driving on the freeway. _____ ()
- _____ f. Exiting the freeway and merging with traffic on surface streets. _____ ()
- _____ 14. Component Fourteen for In-Car. _____ ()
- _____ a. Performing a parallel park/street park. _____ ()
- _____ b. Performing turnabouts. _____ ()
- _____ c. Passing another vehicle. _____ ()
- _____ d. Driving independently with the instructor. _____ ()

102227. DRIVING BUSINESS - COURSE OF INSTRUCTION.

01. In-Car Documentation. A business licensee must ensure that each listed vehicle contains documentation that identifies each student and the student's permit number. Permits will be given to the students following the successful completion of the course and used during the required graduate licensing process. ()

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02. Maximum Daily Driving and Observation Time. Neither a business licensee nor an instructor licensee may permit an enrolled student to receive more than two (2) hours of behind-the-wheel driving time per day. Maximum observation time is two (2) hours per student, per day, and may be completed with a parent or legal guardian. ()

~~**03. Maximum Number of Students In Vehicle.** Neither a business licensee nor an instructor licensee may permit more than three (3) students in a vehicle at one (1) time. ()~~

0403. Grading Criteria. A business licensee may not permit a student to graduate from the business's driver education program unless the student has achieved an eighty percent (80%) or higher in each of the three (3) course areas described in Idaho Code § 54-5405(1) (a)-(c), Subsection 225.07. The business licensee must utilize written grading criteria for each of the minimum components in the curriculum approved by the Board Rule 226. Criteria may include student attitude and such other criteria as the driving business may deem appropriate. The business licensee must maintain records of the student's grades. ()

0504. Driving Log. Each driving instructor must complete a log for each student's behind-the-wheel driving and each driving business licensee must ensure that its driving instructors complete the log. The log must include, ~~for each student, at least~~ the student's name, birthdate, phone number, driving permit number, class date, instructor's name, lesson objective, total instruction time, total observation time, final grade, and date the student passed. ()

0605. Reporting. A business licensee will send student performance information as prescribed by the Idaho Division of Motor Vehicles (DMV) to the DMV no later than five (5) p.m. on the third business day following completion of the course. ()

0706. Record Retention. The business licensee must maintain all logs and other records required under Rule 227 for at least three (3) years from date on which the student completes, or is no longer enrolled in, the business's driver education course. The business licensee may not release these records without written consent from the student and the student's parent or legal guardian. The Board and its agents, however, may inspect these records at any time. ()

~~228. - 249. (RESERVED)~~

103250. DRIVING INSTRUCTOR LICENSE.

~~**01. Application.** An applicant must apply on a Board approved application form. ()~~

012. Driving Record and Drivers License. On a Board approved application form. ~~Each~~ applicant must submit a copy of a valid driver's license in good standing and a copy of a satisfactory driving record. An unsatisfactory record includes, but is not limited to, two (2) moving violations in the past twelve (12) months, or suspension or revocation of a driver's license in the last thirty-six (36) months, or a conviction involving alcohol or controlled substances within the last thirty-six (36) months. ()

023. Criminal History Background Check. Each applicant must submit to a current, fingerprint-based criminal history check conducted by an organization approved by the Board. ~~Each applicant must submit a full set of the applicant's fingerprints, and any relevant fees, to the Division which will forward the fingerprints and fees to the organization that conducts the fingerprint-based criminal history background check. The application will not be processed until the completed fingerprint-based criminal history background check has been received.~~ ()

034. Medical Certificate. A driving instructor licensee may not provide in-vehicle instruction to students if the instructor suffers from a medical condition that may impair the instructor's ability to safely instruct student drivers. Each applicant for an instructor's license must obtain a medical examination performed by a licensed medical professional. The examination must be completed within two (2) years preceding the application. A driving instructor licensee must obtain a new medical certificate every two (2) years and annually certify compliance with these requirements. The applicant must submit a medical examiner's certificate, issued and signed by a licensed, qualified

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Commented [NK5]: Are these requirements duplicative of .06

medical professional, ~~documenting that the examination occurred and that the applicant does not suffer from any physical or mental condition or disease that would impair the applicant's ability to safely instruct student drivers.~~ If a medical condition exists, the applicant must re-certify as the medical professional requires and submit that information to the Board. ()

045. Instructor Apprenticeship Training Program. Applicants for licensure must demonstrate to the Board's satisfaction that they have successfully completed all required classroom instruction and behind-the-wheel training hours from a Board-approved instructor apprenticeship training program ~~or have met the requirements for a waiver of the apprenticeship training program as set forth in these rules.~~ The applicant must have undertaken and completed the apprenticeship training program within the five (5) year period immediately preceding the application. ()

a. Proof of successful completion must include written certificate from a Board-approved apprenticeship training program certifying that the applicant has satisfactorily completed the program. ~~An applicant need not have completed all required classroom instruction and behind the wheel training hours through a single program so long as the last program attended by the applicant ensures itself, and its business licensee certifies to the Board that the applicant has satisfactorily completed all required hours through Board approved apprenticeship training programs.~~ ()

b. A person may not enroll in an apprenticeship training program unless the person has applied for, paid for, and obtained an apprenticeship permit from the Board. The applicant must apply on Board-approved forms, which must identify the applicant and the business licensee in whose approved apprenticeship training program the applicant will be enrolled. The individual applicant must establish that they are at least twenty-one (21) years old, ~~and meet the requirements of Rule 250.~~ An apprenticeship permit automatically expires one (1) year after issuance. The Board also may suspend or revoke an apprenticeship permit, and refuse to issue another permit, if the permittee engages in any act or omission that would subject the permittee to discipline if the permittee had an instructor's license. No one may be a permittee for more than three (3) years. ()

056. Waiver of Instructor Apprenticeship Training Program. An applicant is entitled to a waiver of the apprenticeship training program if they provide proof to the Board that they possess the requisite training and experience requirements as set forth below:

An applicant who has held within the past five (5) years an active and unrestricted public driver education instructor license issued by the Idaho State Department of Education and has completed eight (8) hours of continuing education within the prior year or an individual who has completed the Idaho State Department of Education driving instructor program within the past five (5) years and has completed eight (8) hours of continuing education within the prior year qualifies for a waiver of the apprenticeship training program requirement. ()

~~251. -- 274. (RESERVED)~~

104275. OPERATION OF INSTRUCTOR APPRENTICESHIP TRAINING PROGRAM.

01. Application for Approval. A business licensee may operate a Board-approved instructor apprenticeship training program. The business licensee must apply for program approval on forms provided by the Board. ()

~~02. Suspension or Revocation of Approval and Discipline. If an approved program fails to consistently adhere to the approval criteria in these rules, the Board may suspend or revoke the approval. ()~~

0302. Apprentices. The business licensee must ensure that all persons who enroll in the licensee's program possess a valid instructor apprenticeship training permit from the Board. ()

0403. Instruction and Training Hours. The ~~Board must be satisfied that the program~~ must include the instruction and training as required by Idaho Code § 54-5406 (2). ~~has designed its proposed instruction and training to produce safe and effective driving instructors. The business licensee must ensure that the program includes at least the following instruction and training components:~~ ()

~~a. Each apprentice must receive at least thirty (30) hours of classroom instruction covering the curriculum components for student classroom instruction specified in Subsections 226.01 through 226.10 of these rules. These~~The required classroom hours may also be completed through on-line or internet based instruction. ()

~~b. Each apprentice must receive at least fifty (50) hours of behind the wheel training covering the curriculum components for student in-car instruction specified in Subsections 226.11 through 226.14 of these rules.~~ When an apprentice begins to provide behind-the-wheel driving instruction to students, a program instructor must supervise the apprentice by riding in the vehicle with the apprentice and students for the first six (6) hours. A program instructor also must ride in the vehicle with the apprentice and students to evaluate the apprentice during the final two (2) hours of the apprentice's behind-the-wheel training. ()

0504. Instructors. The business licensee must ensure that only licensed driving instructors are allowed to teach in the program. A list of the instructors must accompany the application for approval. ()

0605. Recordkeeping. The business licensee must ensure that the program maintains progress records for each apprentice. A program instructor and the apprentice must sign and date the records each month, and copies of the records must be provided to the apprentice. The records must, at a minimum, identify each lesson completed, the number of hours of instruction involved in the lesson, the date the apprentice completed the lesson, the instructor who taught the lesson, and whether the apprentice passed. ~~When an apprentice's course of instruction has been completed or terminated, the program business licensee must maintain the records of the apprentice's progress, and the total hours recorded and maintained by the program for a period of five (5) years from completion or termination date. These records are subject to inspection by the Board at any time.~~ ()

0706. Certificate of Proficiency. The program must provide each apprentice with a certificate of proficiency evidencing all hours satisfactorily completed by the apprentice while in the program, and that the apprentice is proficient in all areas covered by the certificate. ()

0807. Discontinuance of Program. If the business licensee ceases to operate the program, the business licensee must provide the program's current and prior apprentices with any progress or other records that the program is required to maintain under this Section.

400475. FEES.
All fees are non-refundable.

<u>FEE TYPE</u>	<u>AMOUNT (Not to Exceed)</u>
<u>Application</u>	<u>\$25</u>
<u>Original Instructor License and Annual Renewal</u>	<u>\$25</u>
<u>Instructor Apprentice Permit</u>	<u>\$25</u>
<u>Original Business License and Annual Renewal</u>	<u>\$125</u>
<u>Reinstatement</u>	<u>As provided in Section 67-2614, Idaho Code</u>

()

~~276. -- 449. (RESERVED)~~

300450. DISCIPLINE.

01. Grounds for Discipline. In addition to the grounds for discipline listed in Section 54-5408, Idaho Code, grounds for discipline also include: ()

~~a. Failure to cooperate with an inspection or audit conducted by the Board or its agents including, without limitation, any continuing education audit, as specified in Section 54-5403(6), Idaho Code. Failure to cooperate includes, without limitation, failure to provide documentation requested by the Board or its agents during an inspection or audit of the licensee's compliance with Board laws or rules. ()~~

b. violating any of the following standards of conduct that have been adopted by the Board: ()

ai. A licensee must not use fraud or deception in procuring or renewing, or in attempting to procure or renew, a license, permit, or other authorization issued by the Board. ()

iib. A licensee must not aid, abet, or assist any person or entity in conduct for which a license or permit is required under Idaho Driving Businesses Act, unless the person or entity has the required license or permit. ()

iiic. A licensee must comply with final orders of the Board issued in contested cases to which the licensee is a party. ()

~~**02. Disciplinary Sanctions.** If the Board determines that grounds for discipline exist, it may impose disciplinary sanctions against the licensee including, without limitation, any or all of the following: ()~~

~~a. Revoke or suspend the licensee's license(s); ()~~

~~b. Restrict or limit the licensee's practice. ()~~

~~451. -- 999. (RESERVED)~~